

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:07CR295
vs.)
JAMES O. WALDRON,)
Defendant.) ORDER

This matter is before the court on the motion for an extension of time by defendant James O. Waldron (Waldron) (Filing No. 14). Waldron seeks an additional time in which to file pretrial motions in accordance with the progression order (Filing No. 7) and to continue the trial. Waldron's counsel represents that Waldron will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted

IT IS ORDERED:

1. Defendant Waldron's motion for an extension of time (Filing No. 14) is granted. Waldron is given until **on or before November 29, 2007**, in which to file pretrial motions pursuant to the progression order.

2. Trial of this matter scheduled for November 13, 2007, is continued *sine die*. The trial date will be reestablished upon the disposition of any pretrial motions or the expiration of the deadline set forth above, whichever is later.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 30, 2007 and November 29, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 30th day of October, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge